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USAWC MILITARY RESEARCH PROGRAM PAPER

THE ARTICULATION AND JUSTIFICATION OF MILITARY
NEEDS IN CONGRESSIONAL TESTIMONY

INDIVIDUAL RESEARCH PROJECT

by

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US Army War College
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CHAPTER I

INTRODUCTION

Secretary of the Army Howard H. Calloway is a former Congressman who brings to his present responsibilities an unusual understanding of the problem of communicating and justifying military needs to the Congress. His ideas and leadership in this area are vital contributions that come at a critical period in our nation's history and are worthy of emulation. Our country is beset by internal economic and social problems that demand Congressional attention at the same time that world stability is threatened by shifting balances of military and economic power and alignment. The need for a strong national defense is being challenged by persuasive interest groups in the United States who would apparently put other action areas ahead of defense spending and national security.

The 535 members of Congress, including 103 newcomers, who are caught in the middle, are faced with the difficult decisions required to prioritize the conflicting interests and the successful articulation of military needs has never been more important.

Convincing the Congress that military needs are national needs has become a top objective for the Department of Defense and each military service. Secretary Calloway has placed congressional relations and the articulation of the Army's view among the top five Army objectives for FY 1976. Secretary Calloway has told

the Army that they must "enhance the role of the Congress as a partner in shaping the Army for the future" and listed five tasks to support this objective:

1. Establish contact with all members of Congress.
2. Present the Army in the role of Congressional constituents. Advise the new members of the impact the Army has upon their district/State.
3. Keep members and staffers informed of Army proposed planned actions.
4. Solicit Congressional views of proposed actions.
5. Improve our explanations/justifications for Army needs/requirements. (Department of the Army, Chief of Information, "Friday-Gram," Number 6 of 7 February 1975, pp. 4-5.)

This research project and report was undertaken to support Secretary Calloway's objective by identifying the strengths and weaknesses of current military efforts to explain and justify military programs and spending. The author feels that this report offers two contributions that should be useful to DOD and the military services in the pursuit of improved Congressional relations. First, twenty-four interviews with Members, Staffers, and aides on "The Hill" produced a number of ideas on how to improve communication between Congress and the military. These interviews are summarized herein

and are replete with the candid views of respected Congressional personnel. Appendix 1 lists the personnel interviewed during the course of this project. A second contribution is the collation of available material concerning the selection, preparation, and conduct of military witnesses into "A Handbook for Navy Witnesses." The "Handbook," attached as Appendix 2, was narrowed to meet the specific needs of the Navy but can be adapted to serve sister service needs.

In the course of one interview a Senator told the author, "Congress and DOD will always be an adversary relationship. As inflation increases so will the competition for budgetary dollars . . . DOD will always be in competition with other sectors of the economy."

The performance of those who appear before Congress to explain and justify, inform and advise, must therefore be sharp and convincing to be successful. This research project identifies a number of actions that individual witnesses can and must take to be more effective in their vital role and a number of actions that it is recommended the services take in order to improve their ability to justify the strong defense posture required to ensure our national security and survival.

INVESTIGATIVE PROCEDURES

The research method employed in this project included extensive reading in civil-military relations; library searches for articles, testimony, unpublished papers, and service instructions;

interviews with DOD personnel who regularly appear before Congress or serve in legislative liaison billets; interviews and correspondence with personnel in twenty-four agencies of the Government, the Industrial College of the Armed Forces, and the Defense Management School; attendance at several Congressional hearings and briefings; and, twenty-four interviews with Members, Staffers, and aides on "The Hill." A selected bibliography is included in this report that identifies those books, articles, papers, and instructions that the author considered most authoritative and useful in the execution of this project.

The interviews with Congressional personnel were conducted in January and April 1975. The appended list of those interviews includes Members and Staffers from all the Committees and Subcommittees before whom the services are normally called to provide testimony. These interviews were granted on a non-attribution basis and are summarized in Chapter II. An unpublished Army War College research paper by Colonel LeRoy W. Svendsen, Jr., USAF, entitled "Congressional Military Witness Preparation" (Army War College 71200) is a report of a similar project conducted in 1971 that included an "Anecdotal Appendix" of advice for witnesses. Congressional advice obtained in this project and the Svendsen paper have been combined and organized into a chapter of the "Handbook for Navy Witnesses," which is attached to this report. These "quotable quotes" are considered the best

of all possible advice for the military personnel--civilian and uniformed--who are involved in Congressional relations.

The Legislative Affairs and Budget offices of DOD and the three services provided a variety of independently prepared instructions and handout material concerning witness preparation and Congressional relations that has been merged to produce the bulk of "The Handbook." The axiom that "several heads are better than one" was applied to bring the best ideas in use by the military services and other agencies of government under one cover. The complexity of the problem of merging the policy and procedures as well as the ideas of each contributor was too great and the author therefore elected to consolidate the ideas of all around the procedures and policy currently in use by the Navy.

Interviews with Navy personnel in program management billets disclosed that aids and advice for preparing for Congressional appearances are not always available or being used throughout the bureaus, commands, and offices of the Navy that appear before Congress. The Defense Management School at Fort Belvoir conducts a five-month course for prospective program managers. The course includes a one-half day orientation visit to Capitol Hill but offers little or no classroom instruction or material to prepare a program manager for the responsibilities of a Congressional witness. These typical discoveries made during the course of this research project, in addition to the comments obtained in

the interviews, serve to indicate a need for the product of the effort. This is particularly true if the improved articulation and successful justification of a services' views or programs is to be an attainable objective.

The investigative procedures applied in this research project tapped the preeminent well-spring of ideas on how to improve the effectiveness of military witnesses. Among others, four of the five most senior members of the House Armed Services Committee were interviewed. This represents almost 100 years of experience in the hearing rooms listening to, interrogating, and observing the parade of service witnesses that have been called in the past to assist the Congress in making laws. The advice of these distinguished men, their colleagues in the Congress, and the equally important and knowledgeable professional Staffers from the Committees of Congress, is the heart of this research project. From their views, as summarized in Chapter II, conclusions and recommendations have been drawn (Chapter III), and "A Handbook for Navy Witnesses" has been compiled.

CHAPTER II

INTERVIEW SUMMARIES

Twenty-four interviews of Members of Congress, professional staff members and administrative and legislative aides were conducted in Washington, D.C., on 10 and 17 January 1975 and during the period 7-18 April. These interviews varied in length from ten minutes to more than one hour. Key questions included, as a minimum, the following:

1. Is the testimony of military witnesses responsive to the needs of your committee?
2. Are advance written statements of testimony simple, factual, forthright, and non-technical?
3. Are the witnesses well qualified and well prepared?
4. Do the services present the bad as well as the good in their testimony?
5. What practices irritate you? Please you?
6. What can the services do to bring greater harmony and better serve the Congress in their task of generating the legislation that is required to insure that our national security and human goals are fulfilled?

The following interview summaries contain the essence of the interview portion of this research project. Since the interviews were conducted on a non-attribution basis in order to elicit

candid answers and ideas, these summaries are, with two exceptions, identified only by the contributors position in the Congressional arena. Completed interview forms are held by the author.

1. Member of Congress

By and large the military witnesses at hearings handle themselves very well An area where I would suggest improvement is to keep verbal testimony short and simple . . . brevity is a very desirable attribute . . . the formal statements tend to be too long and offer more than the essential information . . . I would also like to hear shorter answers to questions . . . shorter answers mean more questions and more information . . . Submit material for the record and use hearing time for the essential . . . one thing that aggravates me is the appearance of a scheduled witness showing up at my office before a hearing to take up my time listening to what I am going to hear at the hearing. This only doubles the time spent on the subject and it is a wasteful effort.

2. Member of Congress

The testimony of military witnesses--civilian and uniformed--is responsive and well prepared . . . In most cases the witnesses are exceptionally well qualified . . .

in presenting the good as well as the bad in their testimony

objectivity is always a problem . . . Congress and DOD will always be an adversary relationship. As inflation increases so will the competitions for budgetary dollars . . . DOD will always be in competition with the other sectors of the economy.

3. Member of Congress

The military witnesses do a good job for the most part but there are some areas

where they can improve . . . A classic example occurred recently where a service secretary edited his statement before presenting it to the full committee at a hearing. The committee was unable to follow as he skipped around and the impact of his testimony was generally negative . . . The really good presentation carefully orchestrates the verbal statement with visual highlights and the copies of the printed statement before the committee members . . . a poor formal presentation also makes follow-on questioning difficult.

This member also discussed witness attitude at some length and cited Secretary Calloway as: ". . . a top witness full of enthusiasm and candor . . ." and Admirals Rickover and Connally were singled out as witnesses who have earned and retained the respect and admiration of the Congress for their

. . . ability and willingness to state, when requested, their own personal, deep set convictions . . . to express human qualities greater than their loyalty to a party line . . . Poor witnesses are those who answer too fast with not enough thought and try to feel their way through . . . they would be advised to admit they don't know the answer and not be so pompous.

The member noted that he regularly asks questions for answers he already has and reiterated a number of times that

. . . witnesses should not sell short the composite wisdom of the members . . . experts? no we are not . . . generalists? yes . . . and the witness who's attitude is one of knowing everything will get into trouble . . . the witness who is too positive and too sure of himself will always get into trouble . . . the composite wisdom of the Committee makes it (the Committee) damned

smart and the damned smart antagonist
(witness) better bone up . . .

"Prime" advice for a witness was ". . . don't lose your temper and don't argue." He also advised that a witness ". . . should stick to reading the written words of a statement if he is poor at expressing it extemporaneously . . . A bad presentation will distract a guy (Congressman) so badly he gets frustrated and mad."

4. Member of Congress (Congressman F. Edward Hebert, attribution requested.)

The major shortcoming of military testimony is that the witnesses are not telling everything. Remove the insulation and tell us what the options are . . . too much of the discussion takes place in the Pentagon . . . by the time we hear it the alternatives are down to one and there is too much restraint and constraint . . .

He added that "Congress is reluctant to ask for personal opinions since that is embarrassing." Instead, "artful questioners" must draw the facts and information they want from the witnesses. "The good witness is one who conveys confidence and who has knowledge and knows his homework . . ." The good witness will give short answers and not go all over the ballpark." Of the professional staffers he says, "They have all the answers and all the questions and they are vital to our work."

5. Member of Congress

There are three problems that limit the credibility of a witness. First, the turnover

of faces presenting the testimony in a specific area is so fast that we can't hold anybody responsible. If a program's cost goes way over that authorized and appropriated for one year, by the time we get the office responsible for quoting us the figures we approved back on the hill, a new face is telling us 'it didn't happen in my time.' So we look at the figures this new face gives us with the sure knowledge that he won't be here next year to share in any cost escalation disaster. Second, the stupid inflation factors, which are not standard and are different for different programs, make estimation of a program's cost not much more than a good guess. So the figures we hear are not very credible. Third, the programs and costs have so many definitions that we end up trying to draw cost comparisons where none is possible. Three things have to be done to improve the credibility of witnesses. One, longer tours; two, inflation factors have to be better standardized; and, third, when a witness finds out later that something he told us is false or has changed, he has to get the truth back up here.

The member cited as a practice that irritated him the presentation of only one alternative ". . . when the program comes to us the debate is over and there is only one thing we can do . . ."

6. Member of Congress

Most military witnesses are quite well prepared. I might offer some advice however. A witness must know his subject inside and out. He should also read transcripts of old hearings pertaining to his subject to ascertain lines of questions . . .

The member stated that the Air Force in his judgement presented the best cases. Asked about the use of backup witnesses he suggested that there were three situations:

. . . First, there is a principal witness who brings a row of backup witnesses and never uses them, although at times there is no question that he should, judging from the expressions on the backup peoples faces as the witness struggles with some answers. Second, there is the situation where the principal witness will regularly and freely call upon his backup for technical help. And, finally, the case where the principal witness will step aside for major contributions from his backup. I like to see the backup get used.

An additional area where this member saw improvement possible was in the relations between Defense personnel and the staffs of Congress. He stated that "Pentagon people seem to be biased against the staffs and do not appreciate fully the important role Staffers play."

7. Member of Congress

Military witnesses are honest and reasonably well informed. I have no general criticism . . . However, occasionally we get a witness who is either condescending or belligerent and they are not good witnesses . . . The fellow who hides the fact--I never want to see again . . . The military is always candid--and that is good--but the failure to reveal upcoming problems is very distressing . . . in these cases there is a lack of candor and that is the Achilles heel . . . there is a tendency for the services to brush these problems under the carpet in an attempt not to stir any difficulties.

The member also commented on the "short length of time the witnesses seem to serve in their posts and that means not enough continuity. Many witnesses," he said,

fail to realize that Congressmen have a wide range of responsibilities and areas of interest and the witnesses must therefore keep their presentations and testimony simple and avoid the use of acronyms. I get hung up on acronyms and frankly lose the rest of my thoughts. I get confused . . . There are so many imponderables it is hard to find the way through to solutions unless testimony is kept simple.

8. Member of Congress (Senator Barry Goldwater, attribution approved)

Generally the answers to our questions are responsive to what the committee is seeking. I say generally because once in a while it is not true . . . The advance written statements of testimony are generally too long and in many cases far too technical. The services should keep in mind that very few members of Congress have had experience that would enable them to personally judge accurately the value or lack of value of certain weapons or systems . . . Generally the witnesses are well qualified but too many times high ranking officers will have to look back into the lesser ranks for the answer to questions that I feel these men of rank should have immediately . . . The services very rarely present the bad side of any subject. Their job is to sell and they feel that they must only present the good side. I disagree with this . . . I have already mentioned, generally, the things that irritate me, but the thing that bothers me the most is when high ranking men in uniform do not have the answers and either have to provide them for future enclosure in the record or turn to some sub-alternate to get what we should know . . . This is a suggestion that I am sure will never be taken, but I believe that men who are brought into the Pentagon to be placed in the fields of procurement should be assigned this job as their permanent one and not move in and

out. In other words, bring a man who is obviously qualified to participate in procurement into the Pentagon while he is a junior officer and allow him to gain the full expertise, but allow him to go up with his class in rank . . . We are engaged in an eighty-five billion dollar business and we move people in and out of offices affecting that business as if they were shoe clerks.

9. Professional Staffer

The military witnesses are generally a good bunch . . . and all the services are about equal in the preparation and presentation of testimony . . . there is occasionally some confusion on the part of a witness as to which Committee he is testifying for . . . and some witnesses seem to have the feeling that they should tell the Committee and staff as little as they have to, a sort of 'see if you can get by with that attitude' . . . what these witnesses forget is that we can and do get information on their programs and alternative courses from the contractors.

This staffer recommended that the presentations be improved by "more handouts and then talk to them." He said "program managers tours are too short. We get to know them, trust them, understand them, and then they're gone." He complimented the Navy for an unusual willingness on the part of senior principal witnesses to allow the junior backup witnesses to answer the questions. He also stated that "the presence of heavies gives credibility." He said that the Army has the best record of admitting technical problems way ahead of normal disclosure and this tends to develop trust and confidence. He also cited the recurring problem of over-classifying statements and testimony and he ranked the Navy worst among the services in this regard.

10. Professional Staffer

This Staffer cited several procedural matters that detract from the effectiveness of military presentations and testimony.

He noted that prepared statements are frequently delivered too late and in too few numbers. "Criteria are clearly written and too often ignored." He noted that the services were reluctant to make changes in the statements and reminded that "the more accurate they are the better." He cited the Navy as particularly tardy in getting hearing transcripts back to the Committee and was critical of all services in their editing techniques. He explained an incident where a hearing was called to order and then postponed as a briefing team belatedly discovered the hearing room inadequately equipped for their presentation. He pointed out that "Zerex copies of detailed photographs are inadequate substitutes" and suggested that glossies be provided each member.

He talked at length about the credibility of witnesses and stated the following criteria for a military witness and specifically, a program manager:

1. He should serve a long term,
2. He should be forthright and honest,
3. He should possess complete integrity,
4. He should have engineering skills and know what he is responsible for and talking about,
5. He should have the ability to see problems in advance and work for solutions ahead of a crisis, and

6. He should emulate Admiral Hyman Rickover.

He said the staff and the Members want to hear the good as well as the bad. "It is a bad mark when the staff has to call up to a program manager and ask about a problem."

11. Professional Staffer

This experienced Staffer was sharp in his criticism of the services and in particular the Navy. He said "better cooperation can be expected and received from the Air Force and Army--the Navy is dead last." He cited the Navy as "not giving all the facts," that "they do not justify programs--they try to sell programs," and that the Navy "withholds information because they are afraid adverse information might be used to thwart their effort to gain support for a program." He said that the Navy seems to have the attitude that the staffs and Committees "don't need to know" all the facts and that they "can work their way around" the staffs and Committees. He cited as an example of the "lack of courtesy" practiced by the Navy a case wherein a formal statement by a four-star was a verbatim repeat of the previous year's statement concerning an authorization request. He said ". . . as a result I have no faith in the Navy."

He also commented that programs have been reduced in the past simply because the service "was unable to justify the program--often because the program manager didn't do his homework." He stressed the importance of an informal "open door" direct link between the services and the Committees and staffs who are "always

available to hear the facts." He said "it is apparent which witnesses have studied the previous year's testimony--and not all witnesses do." He suggested that the tours of program managers be lengthened or the leader in each program be a civilian. He said that advance written statements "say very little, they're full of words but not facts." He suggested more handouts as a way to improve presentations. He said that the "witnesses underrate the capability of the Congress (including the staffs)" and that witnesses should include an understanding of the process and personalities of the Committee or Subcommittee they will appear before as a part of their homework. He said "the most important attributes of witnesses and legislative liaison officers are honesty, trust-worthiness, and accommodation." He said that improvement in relations would result when the services become "more honest in what they're doing" and when they "start justifying instead of selling." He suggested that "good guys be retoured and they should be careful they don't develop an attitude of telling the staffs and Committees only what they should hear." He said all the services are guilty of withholding the bad side but that ". . . the Army is more inclined to tell the whole story . . . They are very impressive . . . they have taken the lead."

12. Professional Staffer

This Staffer noted that ". . . some witnesses are better than others because they are just better communicants. They are better

able to prepare and project." He cited several ways to sharpen the ability to communicate. "Almost all witnesses are quite unsure the first trip (to "The Hill"), but they get better with more trips." He suggested some "informal visits to the staff" ahead of the hearings as a way of "breaking the ice and gaining some confidence." He said that "witnesses must have knowledge to have the strength and confidence to be able to do better at projection . . . I can always tell when a witness didn't start his preparation soon enough . . . this is tough material and time must be allowed to manipulate it back and forth so the witness is thoroughly familiar with the area he is addressing." He noted that "frequently a witness will be new in his position and will lack the time required to do a good job." He said that failure by the services to deliver advance statements on time was a constant problem. He rated the services "all equal" in their relations with Congress and said that "credibility problems in 99% of the cases come when an individual in selling his program, tells the good, not looking at it in an objective way, and withholds some bad . . . then when more is known we have to ask 'Why didn't he tell us?'"

13. Professional Staffer

This Staffer said "the testimony of military witnesses has to go through too many touch points--the layers of approval are too great--and things don't move fast enough for the needs of this Committee." He contrasted the responses of the Army and the

Navy to a request by a Member of Congress on his Committee for an item of information made directly to the respective service secretary or Director of Legislative Affairs. "The Army's response is fast--and that is indicative of the way it should be in all cases with all services." He said that all services were equally guilty in failing to "get statements over here in time to study them ahead of the hearings." He said the statements were "absolutely not" factual. He pointed out the statements are also "full of acronyms that make it difficult for a (Member) to take the material home to read since the references are here (in the office)." He said it should be easy to correct this problem. He noted that time is the problem in finding a well qualified and well prepared witness and suggested that the "development of expertise would be enhanced by longer tours for those who are regularly called to testify or give briefings." He said "answers to questions posed at hearings should be kept short, simple, and to the point."

14. Professional Staffer

The services would do well to remember that it is almost impossible to hide the problems in a high dollar, high visibility program. The competition (within the industry), the media, and our own investigations . . . usually give us all the facts . . . credibility is number one in importance for a witness and we want frankness . . . we ask 'is he leveling'? . . . credibility goes when he appears evasive . . .

This Staffer noted that the "rapid turnover of expert people is detrimental to a services' programs" and recommended longer tours

and that "new people should be phased in well ahead of the budget cycle." He said that "dollars are lost in the justification process if a new program officer is unable to match wits with a Staffer. I can take \$5 million out a new program managers area without him even appreciating what happened. We're negative-- that's our role." He said "a handbook of do's and don'ts is not the solution, there is more to improving testimony than that." He said "the witnesses must be expert in their field . . . must do their homework . . . and must be credible and testify with candor."

15. Legislative Assistant

The services come to hearings with the view that they are going to pull the wool over the eyes of these old fogies . . . they use jargon to impress or confuse, instead of to clarify, and they try to pass over the important and problem points and the fact that there are other choices . . . the graphics are geared for the third grade mentality . . . Testimony is constantly contradictory, as we find out through other resources . . .

16. Legislative Assistant

. . . there is no better agency in government than Defense at presenting the full picture . . . the liaison offices provide all that is requested . . . we have no specific complaints . . .

17. Legislative Assistant

The wrong witnesses are going over to 'The Hill.' The services don't select the best qualified--they should send the people who develop the fact sheets and have responsibility for the program . . . The witnesses

don't appreciate the clout the Staffers have--they need to know what the views of the Staffers are and should be aware that every Staffer belongs to somebody (a Member) . . . Staffers develop their own biases that most often match the views of the chairman or an old timer.

18. Legislative Assistant

I think the services are overprepared . . . I ask for material (information) and I get too much. On the other hand, frequently we don't get information we want from OLA because our interests conflict . . . the information is tailored in form and substance and analysis is not always apparent . . . The Army is doing the best job--they have the best contact.

19. Legislative Assistant

The testimony of military witnesses lacks credibility because they offer the truth but not the whole truth and the services have parochial attitudes and refuse to see the whole picture . . . for instance, the inability of program managers to step out and respond to questions . . . The Calloway concept ('I'm Glad You Asked') is the best thing that has come up in the Pentagon . . . Liaison people are super--we have no kicks.

The aide said

witnesses are the enemy on the battlefield--the hearings are adversary proceedings that in the long term lead to polarized argument. The military sees the Soviet threat in the worst possible terms and this is countered by Congress, sharpening the issues and widening the gap . . . the Defense Department has been lax in not noting this swing and in continuing to rely on a few strong supporters in the Congress.

He said the presentations at hearings were confusing because

of

specialized definitions that knowingly confuse. Fly away cost, procurement cost, program cost, and unit cost are a variety of ways to cost an item. Impose on these costs the different time frames--current, constant, and then-year and confusion reigns.

The quick rotation of uniformed personnel in the Defense Department is bad. It perpetuates a bloated civilian personnel hierarchy and results in a greater reliance on civilians that could be eliminated if uniformed managers served longer in their jobs.

20. Legislative Assistant

Our problem is that thousands from the Pentagon prepare data professionally in strong terms to present to a relatively few Staffers who need an independent view to put everything into perspective. The debate is over when it comes to Congress. We would like to hear from other services--a debate, some rivalry. And we would like to hear from other agencies like the Brookings Institute. Since foreign policy and defense are intertwined, we would like to hear the Secretary of State . . . military witnesses protect their interests vice offer critical analysis . . . we want short answers to questions since we only get five minutes . . . witnesses are prone to hedge and we are not getting direct answers . . . you send us advance statements on complicated programs too late for us to prepare for a hearing--in one case we got the statement concerning a \$2.3 B shipbuilding deficit one day before the hearing. We need more time.

CHAPTER III

CONCLUSIONS AND RECOMMENDATIONS

It is apparent from the comments of the majority of the Members and Staffers interviewed in this project, and from the services' past and present success at gaining favorable votes and support for their programs from the Committees of the Congress, that the services' are effectively justifying the defense needs of our nation. It is equally apparent, however, that there are some areas in our relations with Congress where we can improve. The comments of the Members and Staffers in Chapter II should therefore receive the widest possible dissemination among those in DOD and the services who shoulder the responsibilities of Legislative Affairs assignments and those who perform the vital task of providing the Congress testimony and briefings. There is something here for all--from SECDEF on down.

The author has drawn a number of conclusions and offers a corrective recommendation for each.

1. There is a surprising lack of printed advice for those in the service, particularly in the Navy, who are assigned witness duties. It is recommended that the "Handbook for Witnesses" attached to this report be forwarded to the Chief of Legislative Affairs, Navy Department, for his consideration for publication and dissemination to the bureaus, offices, and commands of the Navy Department that interface with Congress.

2. The successful articulation of the military view, or any view, to the Congress depends in no small measure on the truth and candor that the witness spokesman conveys in his testimony. The Congress wants to be told the bad as well as the good, the whole and not the partial truth, they want the candor of personal opinions, and they want to be told when something is going wrong. A knowledgeable and articulate witness will destroy his credibility and effectiveness if his testimony lacks the truth and candor that his Congressional inquisitors have made clear they place first in importance. Secretary Calloway's "Glad You Asked" concept is working and should be emulated by others.

In a memorandum dated 22 November 1974, and issued from his office in Washington, Secretary Calloway told the Army that the "Glad You Asked Concept . . . is not just a policy . . . it is much more than a mere response. It is a concept that is worthy of consideration throughout the Army. . ."

'Glad You Asked' involves a concept of ethics and behavior which capitalizes on our integrity, devotion to service, and competence. It implies an attitude of pride, confidence, candor, openness, and initiative in daily workings--an attitude that must be reflected in all our relations and communications. It acknowledges that the Army serves and requires the continued support of the American people, that they have a right to know how to spend their tax dollars, and that we will receive their support only as long as we maintain a high degree of institutional and personal integrity.

It does not begin by saying that everything we have done in the past is incorrect. On the contrary, it encourages us to approach each new task with an appreciation of the lessons of the past and a positive attitude reflecting pride in ourselves and in the importance and future of the Army. It recognizes that even the most able commit errors, but insists on candid admission of error and positive action whenever possible to rectify the mistake. In summary, the concept is one of confidence, openness, and competence. It exudes pride and is founded on basic integrity.

As a result of Secretary Calloway's approach and the successful pursuit by the Army of "improved Congressional relations," as one of their "top five" objectives for the fiscal year, the Army "has taken the lead," as one Staffer said, as a partner of Congress in the legislative process. Secretary Calloway has told his people to tell it like it is. The truth and candor of this approach is building Congressional confidence in the Army. The actions taken by Secretary Calloway and the Army in the area of legislative affairs are a positive and successful step toward improved Congressional relations. Emulation is recommended.

3. The interviews conducted during this study are an endorsement of current personnel management efforts by all the services to keep program management specialists expert in their areas by longer and repeated tours. The rapid turnover of personnel in the billets that interface with the Congress is detrimental to effective justification of the military view. The Congress wants the good witnesses extended in their billets.

They suggest that good witnesses who must leave for operational tours and experience be retoured in Washington to resume program management and witness duties at a higher level of responsibility. What Congress wants, Congress should get.

4. Officers serving in legislative liaison billets should also be toured for longer periods and returned to legislative duties in subsequent Washington tours. This practice is in effect in the Army and should be made an objective of the Navy. It is also recommended that consideration be given to coding legislative affairs officers who prove most effective within the Officer Personnel Management System and identify the top performers with a sub-specialty that will permit repeated and longer tours in this vital arena. The management of a services' congressional relations is a difficult and permanent responsibility that warrants a first team of top performers who want jobs in legislative affairs.

5. "The Handbook for Witnesses" contains hundreds of recommendations for witnesses. The interviews of Chapter II identify a few areas that warrant emphasis. First, keep testimony simple by concentrating difficult material in handouts and eliminating all acronyms. Second, produce statements on time in the quantities required. Third, practice, practice, and practice the presentation to carefully coordinate the verbal, visual, and printed aspects. Fourth, witnesses must take some time to acquaint themselves with the Members of the

Committee or Subcommittee they will face. They should refer to such publications as The Almanac of American Politics (Barone, Ujifusa, and Matthews) to study background data on the Members in an effort to "get in tune" with the Committee. Fifth, witnesses must always be aware that the Staffers are empowered with clout that warrants the highest respect. The Staffers serve a vital role in the legislative process and it is a mistake to accord them anything less than full and friendly cooperation. Finally, the service Legislative Affairs Offices should, if they are not already doing so, compile a diary of observations from hearings, briefings, and other communications with Congressional personnel that would be useful in the verbal briefing and preparation of every witness scheduled to face a Congressional group. Every Member and Staffer has likes and dislikes that make the general rules enumerated in "The Handbook" porous with exceptions. For instance, some Members like the supporting witnesses to be heard and others do not want them in the room. There is probably no way to keep everybody happy, but it should be a services' goal to make as many happy as possible. This objective would be aided if a well-devised data base, such as the recommended diary, is developed and applied to each hearing and briefing situation.

The successful articulation of military needs in Congressional testimony is an important responsibility that requires careful coordination, planning, and execution. If this effort is faulty,

and programs the Administration has deemed vital to our national security are not justified in the eyes of Congress, we can expect a reduced posture from which to counter an ever-increasing threat to our national survival. The services must therefore field the most knowledgeable, well prepared, articulate, and respected teams of witnesses, who will speak with truth and candor, that can be mustered from our ranks.

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APPENDIX 1

INTERVIEW ROSTER

I. Members of Congress

A. Senate Armed Services (3)

Senator Howard W. Cannon
Senator Harry F. Byrd
Senator Barry Goldwater

B. Senate Appropriations (1)

Senator Daniel K. Inouye

C. House Armed Services (4)

Congressman F. Edward Hebert
Congressman Charles Bennett
Congressman Bob Wilson
Congressman William Dickinson

D. House Appropriations (and Budget) (1)

Congressman Elford A. Cederberg

II. Professional Staff and Counsel

A. Senate Armed Services (2)

Edward B. Kennedy
George H. Foster

B. Senate Budget (1)

Andrew Hamilton

C. Senate Appropriations (1)

Peter Bonner

D. House Armed Services (2)

George Norris
Michael West

E. House Appropriations (3)

Ralph Preston
Gordon Casey
Derek J. Vander Schaaf

III. Legislative and Administrative Aides

A. Senate (4)

Michael Hemphill (Senator Tower)
William Lynn (Senator Taft)
Ronald Tammen (Senator Proxmire)
Eric Hultman (Senator Hruska)

B. House (2)

Ann Dye (Congresswoman Schroeder)
RADM Herbert Matthews, USN (Ret.) (Congressman Chappell)

APPENDIX 2

A HANDBOOK FOR
NAVY WITNESSES
APPEARING BEFORE
CONGRESSIONAL
COMMITTEES

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PREFACE

This "Handbook for Witnesses" replaces a 1967 pamphlet entitled "Information For Navy Witnesses Appearing Before Congressional Committees" (NAVSO P-3036) issued by the Office of Legislative Affairs of the Navy Department. This handbook collates and updates information concerning Congressional testimony that has been promulgated for the use of witnesses from a number of Government agencies, including the armed forces. Almost every agency of the Government maintains a legislative affairs branch and each prepares witnesses to supply information to the Congress concerning their programs and budget requests. This Handbook is an attempt to bring the best advice of all agencies together under a single cover for the use of Department of the Navy personnel, civilian and military, who are called to perform the vital services of a Congressional witness.

FOREWORD

As the relationship of the Department of the Navy with Congress is so largely affected by the witnesses who represent the Department before Committees of Congress, it is essential that these witnesses be fully prepared to give complete and well informed presentations. The Congress is entitled to this consideration and the traditions of the Navy require it.

As the majority of persons who appear as witnesses before Congressional Committees appear but a few times during their careers, there is little opportunity to become familiar with Committee procedures through experience. Necessarily, most prospective witnesses are in genuine need of advice when preparing to testify as representatives of the Department of the Navy. Prospective witnesses will find that a thorough study and understanding of this handbook will be most helpful in organizing and presenting their testimony to the Committees.

I

GOOD CONGRESSIONAL RELATIONS

AND THE

ROLE OF THE WITNESS

The Constitution gives to Congress the exclusive power to provide and maintain a Navy. Through its power to authorize, Congress determines the size of the Navy in men, ships, aircraft, and shore facilities, and through its power to appropriate, it provides the funds that are the Navy's life blood.

Testimony given before Congressional Committees is an important part of the evidence upon which Congress, in exercising its constitutional responsibility, decides what Defense programs should be supported from the available man-power and resources of the United States. Also, by such testimony the Navy renders a public accounting of its administration and progress to interested Congressional Committees, which are thus able to offer constructive criticism and helpful suggestions for the future administration of programs.

The success or failure of the Navy to obtain passage of desired legislation, or to oppose legislation deemed undesirable, depends primarily on the soundness of the Navy's position. However, of commensurate importance is the effectiveness of the Navy witnesses before Congressional Committees. Accordingly, it is essential that each officer and civilian who is designated as a witness prepare himself thoroughly for this unique and important assignment.

It is not enough that the Navy witness know his area of responsibility. He must also know Congress, know what the Congressional Committees and their staffs want, and be able to effectively articulate Navy requirements to the Congress. The following excerpt from a magazine article (Data, March 1963) written by President Gerald R. Ford when he was the ranking minority member of the DOD Subcommittee, House Appropriations Committee, makes clear how vitally important the Navy witness is in obtaining the passage of legislation necessary to support Navy programs.

. . . . One of our primary concerns, therefore, is that the Executive Branch gets and keeps the finest sort of talent to assist Congress in its policy role. The effective scientific witness before our Committee must have an uncommon talent for amassing exhaustive amounts of technical data to support his position, reducing this to brief and simple terms, and then relating this special interest to the broad policy decisions of his department.

A good witness cannot, by himself, insure that money will go to a given program, but a bad witness often can insure, by himself, that it will not. It might be valuable all around, therefore, if I made a few observations about presentations to our committee.

First, the witness must know his subject. When we Congressmen go out to the voters and try to sell our legislative record the voters have a right to expect us to be able to defend it and answer questions about it. The same is true of witnesses before the subcommittee on defense appropriations. We expect that our witnesses have read their own subordinates' reports

and that they are familiar with pertinent portions of the hearings of prior years. We do not welcome the excuse that 'Well, I don't know about that policy or decision last year because I was in Bangkok then.' It is also most desirable that witnesses know intimately the recommendations included in the annual committee report on the Defense Department appropriations bill.

Second, the witness must be completely frank. This means that he must feel free to constructively criticize rival programs or even the decisions of his superiors when the necessity arises particularly if a member of the committee asks questions on the subject. Our decisions are too important to let personal ambitions prohibit full disclosure of relevant information. As committee members we are conscious of interservice rivalries and we expect it. Particularly, may I add, that such interservice competition is not bad per se. We are also aware, as I have already said, that objectivity is not one of the strong points of our witnesses. But we have found that constructive criticism and explanation of alternate views are valuable to use in maintaining our own objectivity. We welcome them, for frank and honest evaluations builds confidence. And confidence in the expert testimony given to us is the vital element in making sound decisions in these highly technical fields.

Third, and this is getting increasingly important, we must be convinced that new programs are as thoroughly thought out as possible. Today's strategy may not be tomorrow's; it certainly is not the same as yesterday's. This means that the ultimate in flexibility must be built into all new devices and all new policies. Long range utility will be an ever more critical yardstick by which the appropriations committee will measure research and development work.

Convincing our subcommittee of the value of a given idea is not a matter of splashy presentations with heaps of charts and statistical support. It is a matter of careful homework, simple but accurate reasoning, complete information and honest criticism.

We will want specific answers to such questions as: What is the basic strategy underlying the project? Do you believe that strategy is correct? If the strategy should change in another year or two, how would your project be affected? Is the project duplicated anywhere else? How well will it survive attack? How does it relate to enemy efforts in the same field? How does it relate to efforts by our allies?

Our committee's fund of specialized knowledge about advanced computer systems, satellite communications and the vast complex called 'command and control' will continue to accumulate. We never will be fully expert in the field, but as elected representatives of the citizens and taxpayers we will evaluate all recommendations in the light of the expert's testimony and our own knowledge and experience. There may be errors in the future as there have been in the past. But through mutual confidence and cooperation between technicians and politicians, we trust that mistakes will be kept at a minimum.

The essence of this advice and the "Congressional Advice" of Chapter X, is that the witness must be knowledgeable, he must be prepared, he must know how to present his information, and he must testify with truth and candor.

Let this handbook be your first step and guide to your program of preparation to perform the vital role of a witness at a Congressional hearing or as a briefer in a formal presentation on "The Hill."

II

THE LEGISLATIVE PROCESS

A thorough understanding of the legislative process is a prerequisite to participation in the process. Prospective witnesses must have an understanding of the way in which departmental bills are initiated and processed to the Congressional hearing stage.

The Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps are the lead Naval Service witnesses to testify before Congress. Committees that hear their testimony include the Armed Services Committees, the Defense Subcommittees of the Appropriations Committees, and the Budget Committees of both houses. The Secretary, CNO, and CMC describe accomplishments in the previous calendar year and present the annual Navy request for authorization and appropriations of funds for proposed Navy programs in the coming fiscal year. A study of the Posture statements of these lead witnesses is critical to follow-on witness preparation.

An understanding of the relation between authorization and appropriations is also required. A long time member of the Senate Armed Services Committee explained this relationship to the Air Force in the following way:

The mission and role of a senatorial committee is to do the spade work on legislation. Committees are the

workhorses of Congress. Contrary to general conception, the legislating is not done for the most part on the Floor of the Senate or the Floor of the House in formal debates and proceedings. Instead it is done in the committees and much of it is done in the informal conference manner.

Like so many organizations, Congress is organized on the basis of specialization by being broken down into committees authorized and directed to specialize in certain subjects. This is the only way that the work can be done . . .

By the time the specialist group--the committee--reports out a bill, in the great majority of instances the full Senate will rely on the judgement of the specialists and accept and pass the bill as reported out by the committee.

The legislative function is twofold. First, the authorization must be obtained. A law must be passed to provide the legal authority for the action to be taken. That is the end of the legislative function if no funds are required to carry out the action authorized.

But it is difficult to think of something that doesn't require funds these days. And that is where the second step comes in so often--the step of providing the funds--the appropriations.

Let me give an example. The Department of the Air Force, the Defense Department, the Office of Management and Budget, and the President agree that the Air Force needs additional Bullpup missiles.

The first step is to get such an item placed in the Military Procurement Authorization bill. This bill then has to be passed before action can be started to actually buy the missiles.

Thus, the two step process is first the authorization legislation and the second the appropriation legislation. From this you can see that the most important committee in either the Senate or the House is the Appropriations Committee, for it handles approximately half of all legislation coming before the Senate or the House.

And from this you can readily see that the Armed Services Committee is an authorization committee as distinguished from an appropriations committee.

The legislative process became a three step process on July 12, 1974, when the President signed into law the "Congressional Budget and Impoundment Act of 1974." In its broadest terms this Act requires Congress to set a total budget figure for appropriations by May 15 of each year for the coming fiscal year as well as an "appropriate level" of new budget authority for each major functional category. Defense is one of twelve such categories. Until this law was enacted the national defense sector of the budget was considered for authorization by the respective Armed Services Committees and for appropriation by the respective Appropriations Committees. This was done on a basis independent of all other Congressional authorizations and appropriations. Decisions were made on individual merits and, for the most part, in relation to the President's budget. Under the new Act, the Congress sets an overall appropriation ceiling with a separate ceiling for the Defense area.

THE LEGISLATIVE YEAR

The legislative year begins in November when the Current Services Budget is announced just ahead of the January report by the President to the Congress on the condition of the nation, its relations with other nations, the goals he has set for the nation, and the legislative program he proposes to reach these goals. The Constitution requires this annual report by the President to Congress as a part of the system of checks and balances between the Legislative and Executive branches. The State of the Union message is sometimes confused with the President's budget proposal but these are separate and distinct events.

THE PRESIDENT'S BUDGET

The President is required by law to submit his proposed budget within the first 15 days after Congress convenes in January. His budget presentation is the second step in the annual budget enactment process in Congress and is followed by more detailed reports by the heads of various departments in the Executive branch. Each department or agency in the executive branch has a committee in Congress to whom it is responsive. Over the years, a custom has developed which requires the chief executive of each agency to make a personal report to his parent committee. These reports are a continuation and amplification of the President's State of the Union message.

THE POSTURE STATEMENTS

The Department of Defense's version of the annual State of the Union message is known as The Defense Report and is delivered by the SECDEF, supported by the Chairman of the Joint Chiefs of Staff, to the Defense Appropriations Subcommittee and Armed Service Committees of the House and Senate. The SECDEF/JCS report is followed by reports from each of the military departments. These reports are known as posture statements. The Department of the Navy Posture Statements are made jointly by the Secretary, CNO, and CMC as they appear before Congress as a team representing the Naval Service.

There are, of course, major differences between the President's "State of the Union" message and the Navy/Marine Corps Posture statements. When the President addresses Congress, the members of both Houses of Congress gather in the chamber of the House of Representatives, and the President delivers his statement to this joint assembly. The President is not personally available to respond to Congressional questioning on his message. The Secretary, CNO, and CMC, in contrast, appear before the respective Armed Services Committees and Defense Subcommittees of the Appropriations Committees. They may request to make some extemporaneous remarks in lieu of reading the entire statement or read an abbreviated version of their statements to the Committees. In either case, all three formal prepared

statements are submitted in their entirety for inclusion in the formal record of the hearing. When the Secretary, CNO, and CMC finish their presentation, they are questioned by the committee on the contents of their statements or other subjects of interest to the committee. An exact transcript is made of the questions asked and the answers given, and that transcript becomes a part of a permanent record of the hearings.

This record of the hearings, with the classified portions deleted, is released by the respective committee after the hearings are completed, and is made available to other Congressmen, the press, and the general public.

AUTHORIZATION AND APPROPRIATION

A few years ago the only Authorization hearings were for military construction projects. In 1959, the Senate Armed Services Committee became concerned that programs for which large sums of money were being appropriated annually for aircraft and missiles were not being reviewed properly and controlled under the broad provisions of the Authorization Act. The Congress thus amended the Military Construction Bill to require annual authorizations for the procurement of aircraft, missiles, and naval vessels. This was followed by research, development, test, and evaluation (1963), procurement of tracked combat vehicles (1965), personnel strengths of the Reserves (1967), procurement of other weapons such as artillery (1969),

procurement of torpedoes and the average annual active duty personnel strength for each component of the Armed Forces (1970), average military training student loads for each component of the Armed Forces (1972), and end strength civilian employment for each component of the Defense Department (1973).

The authorization hearings were originally required by Section 412(b) of Public Law 86-149 and are therefore sometimes referred to as the 412(b) hearings. However, in 1973 these enactments were codified into Title 10, US Code as Section 138 so that it is now more properly referred to as Sec 138 Hearings.

As a result of these changes, DOD now must justify all of the above programs to the Armed Services Committees prior to justifying the associated funds to the Appropriations Committees of Congress. The justification of Navy programs to the Armed Services Committees is accomplished during the authorization hearings. The justification of funds to support these programs is accomplished during the appropriations hearings.

The appropriations hearings are the responsibility of the Comptroller of the Navy; however, the Secretary, CNO, and CMC use essentially the same prepared statements and backup material during the appropriations hearings as they use for their Military Posture presentations in the authorization hearings.

After the Secretary, CNO, and CMC conclude their appearances before the Congress, the door is opened to hear the testimony

and briefings of other Navy personnel, civilian and military.

The justification phase of the legislative process is at hand.

III

PROCESSING LEGISLATIVE PROPOSALS

As most bills on which Department of the Navy witnesses are called upon to testify originate either in the Department of the Navy, in one of the other Military Departments, or in the Office of the Secretary of Defense, prospective witnesses should have a general understanding of the way in which departmental bills are initiated and processed to the hearing stage before Congressional Committees.

The Comptroller of the Navy maintains liaison with Congress on budgets, appropriations, and related financial matters, while the Office of Legislative Affairs (OLA) maintains liaison with Congress on all other legislative matters. The steps in the processing of the legislative proposals for which these two offices have responsibility are briefly outlined in the following paragraphs.

OLA

The Chief of Legislative Affairs has the responsibility for the preparation, coordination, and processing through Congress of all legislative proposals of the Department of the Navy, other than those affecting budgets, appropriations, and other related financial matters.

The Chief of Naval Operations, the Commandant of the Marine Corps, or the chief of a bureau or office or the commander of a systems command of the Department forwards a recommendation

for proposed legislation, with the justification therefor, to the Office of Legislative Affairs. That office then coordinates the recommendation with the interested agencies of the Department. After it is completely coordinated within the Department, the attorney assigned as action officer in OLA prepares a draft bill, a sectional analysis explaining the content of each section, and a draft of a proposed accompanying letter to the Speaker of the House of Representatives explaining the purpose and need for the legislation. These drafts are then submitted to the Secretary of the Navy for his approval.

After approval by the Secretary, the drafts are submitted to the General Counsel, Department of Defense (who coordinates legislative matters for the Office of the Secretary of Defense) with the recommendation that the proposal be made a part of the Department of Defense Legislative Program for the current year. Copies are simultaneously sent to the offices of legislative liaison of the Departments of the Army and Air Force. Those offices obtain the coordinated views of their respective departments and report them to the General Counsel, Department of Defense, sending copies to Navy OLA. Differences among the military departments that cannot be resolved through intra- and interdepartmental communications and conferences are resolved by the Office of the Secretary of Defense.

When the General Counsel, Department of Defense, has advised in what form the legislative proposal of the Department of Navy

is approved by the Office of the Secretary of Defense, he forwards it to the Office of Management and Budget (OMB) for advice as to whether it is in accord with the program of the President. Upon receipt of these letters ("executive communications") the Vice President and the Speaker refer the proposal to the appropriate Senate and House Committees. Upon receipt by the Committee to which it is referred, the proposal is studied by the professional staff of the Committee. Usually, after staff study the bill is introduced in the name of the Committee Chairman, although he may give it to some other member to introduce. After it is introduced it is assigned a number. Bills in the House are assigned an H.R. number and in the Senate an S. number. Numbers are assigned to bills in the order in which they are introduced in the chamber concerned; the first bill introduced in the House in the first session of a Congress is H.R. 1 and the numbers often go up in the thousands by the end of the second session.

OLA monitors the progress in Congress of Navy program items and any other Department of Defense items for which the Navy has been assigned responsibility. Preferably as soon as the proposal is referred to a Committee, OLA delivers to the professional staff of the Committee a kit containing materials which will assist the staff in its study of the bill. Included among other items in the kit is a proposed witness statement which has been prepared by the Navy agency primarily interested in the bill and

background material assembled by the OLA action attorney with the assistance of the interested Navy agency. The witness statement included in the kit is subject to revision. Some time may elapse before the hearings are held, and discussions with members of the staff of the Committee may bring to light a need for revision in the interest of clarity. It is not necessary that the identity of the future witness be determined at this point.

The Chief of Legislative Affairs ascertains when hearings may be held. When an approximate date is decided upon, the Committee staff member assigned to the bill will often request that representatives of the Navy agencies most concerned or affected by the bill meet with him for consultation. Such requests should be made through representatives of OLA. Personnel in other Navy agencies who are contacted directly by Committee staff members should always advise OLA immediately, so that the action attorney in OLA may attend the consultation.

Preliminary consultations with Committee staff members are invaluable in that they provide a thorough study of the bill prior to the hearings. During the consultation errors or omissions in the bill may be discovered, possible amendments may be suggested and discussed informally while there is still time to give thorough consideration to their possible effects on practice and policy, and questions may be asked that had not been thought of by the service representatives during the

coordination of the proposal. Any of these, if presented to the hapless witness for the first time during the actual hearings, could put the witness in an extremely embarrassing position and could endanger enactment of the bill.

The system of preliminary conferences between Committee staff members and service representatives has been in effect since enactment of the Legislative Reorganization Act of 1946. Many members of professional staffs have served continuously for over ten years with their respective Committees. Their knowledge of the fields of law in which their Committees operate, and of the attitudes and personalities of Committee members, enables them to anticipate many of the questions that may arise during hearings on bills. Thus they can be very helpful to the service representatives in preparing for an effective presentation of a legislative proposal. Service personnel who have attended consultations with Committee staff members brief the witness when he is selected and may also attend the hearing as supporting witnesses.

COMPTROLLER

The legislative proposals of the Department of the Navy concerning budgets, appropriations, and related financial matters are the responsibility of the Comptroller of the Navy. The Comptroller therefore initiates the development of budget estimates within approved fiscal guidance that will support the annual Program Objectives Memorandum (POM) approved by the

Secretary of the Navy. The Comptroller reviews budget sub-missions from the various agencies within the Navy Department and then holds hearings on the estimates. From these reviews and hearings, the Comptroller marks up the budget estimates and makes recommendations based on evaluations made from a budgetary and financial viewpoint. Program sponsors, appropriation managers (administering offices), and the Navy Comptroller work together to adjust differences. Shortly thereafter SECNAV and his assistants meet with the CNO and the CMC to review the budget and resolve any outstanding differences. An approved Navy budget is developed and forwarded to the Secretary of Defense for review by his staff. SECDEF representatives and the OMB usually conduct a joint review. Major issues between the SECDEF and the service secretaries are resolved and SECDEF forwards the budget to the OMB for final review and adjustment, and it is ultimately incorporated in the President's Budget Document. This document includes the budgets for the Executive, Legislative, and Judicial Branches of the government and is presented to the Congress in the President's Budget message in February.

Following the Posture Hearings the Defense Subcommittee of the House Appropriations Committee conducts detailed hearings on the specific appropriations in the budget estimates of each service. Normally the Comptroller leads off Navy testimony at the detailed hearings with an overview of the Navy budget and

financial highlights. Following this the Subcommittee takes up each appropriation in the order--with some exceptions--of appropriation titles as they appear in the Budget Document, i.e., "Military Personnel," "Operation and Maintenance," "Procurement," and "Research Development, Test, and Evaluation."

In like manner, the Defense Subcommittee of the Senate Appropriations Committee will execute a sequence of events and questioning of witnesses that parallels the proceedings before the Defense Subcommittee of the House Appropriations Committee. Appropriations are examined, but only on a broad basis.

The Budget Committees of both houses hold hearings on the budget as a whole and may also request Navy testimony and justification as they develop the First Concurrent Resolution.

The First Concurrent Resolution is the major milestone in the process that requires the Congress to set forth the following resolutions, as a minimum, by 15 May of each year:

1. The appropriate level of budget outlays and of total budget authority;
2. An estimate of budget outlays and an appropriate level of budget authority for each functional category;
3. The amount, if any, of the surplus or the deficit in the budget which is appropriate in light of economic conditions and other relevant factors;
4. The recommended level of Federal revenues;

5. The appropriate level of public debt; and
6. Such other matters relating to the budget as may be appropriate to carry out the purposes of the Budget Act.

IV

SELECTION OF WITNESSES

The Office of Legislative Affairs or the Comptroller of the Navy, as appropriate, ascertains when hearings on legislation or matters of interest to a Committee are scheduled to be held and the desires of the Committee with respect to the witnesses. This information is conveyed to the bureau, command or office concerned, and to the Secretary of the Navy when appropriate.

On important bills or investigations involving matters of broad policy a witness from the policymaking level is required as the principal witness. On bills or investigations not involving broad questions of policy, a witness on the policymaking level is not required unless the Committee specifically requests such a witness. On minor bills, Committees prefer to hear a witness who can discuss the details of the proposed legislation, without extraneous introductory remarks.

When the Committee does not request specific witnesses, the responsibility for designating persons to testify rests upon the bureau, command or office having primary interest in the bill or subject of the hearing. OLA or the Comptroller, as appropriate, obtains from that bureau, command, or office the names of the principal and supporting witnesses and informs the Committee Counsel. If supporting witnesses from other bureaus, commands or offices are desired, OLA or the Comptroller makes arrangements to obtain them.

In the selection of a witness the most important requirement is that he should have a thorough familiarity with the subject about which he is to testify. Of almost equal importance is the requirement that he possess poise and graciousness in the witness chair and the ability to express himself clearly in answering the questions of Committee members and Counsel. It is advisable to provide a witness of the highest rank consistent with a thorough working knowledge of the subject matter of the hearing. Witnesses should be military personnel who are cooperative and responsive—not argumentative or defensive.

The number of witnesses should be kept to the minimum consistent with proper presentation of the Navy's case. A single witness who is familiar with all phases of the subject matter of the hearing is more impressive than a parade of witnesses, each an expert of one small facet. It is, of course, often necessary to provide supporting witnesses in connection with lengthy and complicated bills, investigations, or presentations. The effectiveness of a principal witness is, however, reduced almost in direct ratio to the extent that he has to call on supporting witnesses to supply information that he should be able to supply himself.

Once selected, witnesses will not be replaced without the concurrence of OLA or the Comptroller, as appropriate, to insure continuity and clarity throughout the presentation. An

individual should not be selected as a witness if a reassignment is anticipated during the program justification or budget presentation period.

CATEGORIES OF WITNESSES

Witnesses are categorized as either principal or supporting (backup). The following will help to identify the role of each.

1. Principal witnesses are responsible officials of the Department of the Navy whose testimony, on matters within their cognizance, can be expected to be received by the Congressional Committees as official statements of the Department of the Navy. Questions by the Committee members are directed at the principal witnesses. It is anticipated that the principal witnesses appearing in support of specific programs and appropriations will be Deputy Chiefs of Naval Operations, Chiefs of Bureaus or Offices, Systems Commanders, or officials of similar stature.

2. Supporting witnesses are those witnesses who may be called upon by the principal witness to provide information on specialized topics, particularly budget activities, or to answer specific questions. The supporting witnesses provide the necessary backup for the principal witnesses in all fields--plans, programs and finance.

JOINT HEARINGS

Witnesses from all of the armed services (including the Coast Guard) are often needed at hearings. Even on minor bills

affecting all the services, it is advisable to have a representative of each service available to answer any question that may arise with respect to the way in which the proposed legislation would affect his service. If, for example, the Department of the Army has action responsibility on a minor bill, the Committee may wish to hear only the statement of the Army witness, and representatives of the other services may not be required to speak or even make their presence known. But if the Committee has a question as to one of the other services, and its representative is not prepared to answer, the Committee is likely to conclude that the bill has not been properly coordinated. The result may be deferment of all action on the bill. For this reason, the offices of legislative liaison of the military departments normally arrange to have representatives of all services present. These backup witnesses are furnished by the bureau, command or office concerned with the subject matter of the bill.

On major bills pertaining to all the services, such as military construction, pay, promotion, retirement, selective service, or reserve matters, the Department of Defense usually assumes responsibility, but representatives of each military department are required to testify also.

HEARINGS ON NON-PROGRAM ITEMS

Hundreds of bills affecting matters of interest to the Department of Defense are introduced during each session of

Congress. The Chairman of a Committee to which such a bill is referred usually requests the views of the Department of Defense on it. OSD either assumes responsibility for preparing and coordinating a report or, more often, assigns that responsibility to one of the military departments. The responsible department establishes a coordinated DOD position on the bill in substantially the same manner in which coordinated positions on legislative program items are established. The proposed report is submitted to the OMB for clearance if time permits; if not, the report must include a statement that the views of OMB will be obtained and furnished later.

Few of these bills reach the hearing stage. When one does, the responsible department must arrange for witnesses either for or against its enactment, according to the established DOD position. OLA notifies the bureau, command or office principally concerned to designate witnesses and prepare witness statements.

THE IMPORTANCE OF THE WITNESS

Each witness appearing before a Congressional Committee, Sub-committee, or pre-hearing briefing with Congressional Staffers assumes the responsibility for justifying a portion of the Department of the Navy's contribution to the nations defense. The degree of success in justifying this element depends on:

1. The soundness of the program.

2. The ability of the witnesses to justify not only the funds requested but also the program if the need arises. Justifications must be clear, concise and logically presented. It is evident that if the Navy request is to win Congressional approval, the witnesses appearing before Congress must be thoroughly prepared for the task.

PREPARATION OF STATEMENTS

The Legislative Reorganization Act of 1946 provides that witnesses appearing before Congressional Committees shall be required to file in advance written statements of their proposed opening statements of principal witnesses and to special presentations. Each sponsor scheduled to appear before a Committee or Sub-committee of the Congress will prepare the following statements in support of Department of the Navy requests.

1. A regular statement, containing all appropriate detail, shall be unclassified and of any length desired. This statement will be provided to the Committees for the record of the hearings.

2. An unclassified summarized statement shall be provided to the Committees and read at the hearings. This statement should contain only essential information in support of the program or appropriation. Reading time should not be longer than twenty minutes if slides are used. Without a slide presentation, the statement should be limited to ten minutes. The use of a slide presentation has appeared to be effective in past hearings and is encouraged; however, slides should be of professional quality displaying a picture of the ship, weapon, or aircraft and a few key facts. All information on slides shall be spelled out and arranged in an easy to follow sequence.

Voluminous data, milestones, etc., should be included in the regular statement, not in the summary or slides. Keep all visual aids simple (avoid using "busy" slides used in in-house Navy briefings) and insure that the aids, verbal presentation, and printed material given to the Committee are carefully orchestrated.

The summary statement is very important and may well determine the direction the hearing is to take. It should be carefully structured to emphasize the things about which the Navy wants the Committee to be completely informed and should include controversial programs if we want the spotlight on these programs in order to gain approval. It should include programs doing well if we want to take credit or give credit to the Committee for some previous decision. If relevant, some reference should be made to compliance with congressional directive. Wherever possible, an explanation should be given of where a program fits into the overall Navy plan. Holding the attention of the members of the Committee is important. By other means the staff will become completely familiar with the details of individual programs. This is an opportunity to express the essentiality of each program and show how they are a result of careful planning.

The following are additional points to consider in drafting the summary statement:

a. The statement presents and justifies the request and at the same time provides a performance statement on what the Navy has achieved with its resources--past and current year.

b. Committee members, using only unclassified data, must handle all questions from the floor of the House and Senate. The statement, justification books, and hearings are the principal sources of information upon which an understanding of the Navy programs and the budget estimate are based.

c. Committee members are knowledgeable about national defense and the Navy. They talk to the press, their constituents, businessmen and colleagues. The witness should support key points by at least one example, preferable unclassified, and where appropriate, using human interest or appeal.

d. Avoid the use of abbreviations or acronyms in the statement and use uniform and consistent definitions (such as the Uniform Weapon System Cost definitions set forth in SECNAVINST 7700.5 series) when discussing or displaying required information.

3. If supporting classified material is desired and/or required, it shall be supplied as a classified supplement in a format suitable for reading, should the Committee so request.

CLEARANCE

1. Statements should be cleared with The Chief of Information if public information implications are involved.

2. Unclassified statements must be submitted to the Directorate for Security Review, Department of Defense, through OLA or NCB as appropriate for clearance not less than five days before the scheduled delivery date, and should be approved by the person who is to deliver the speech prior to such submission.

3. Statements or other items intended for Congress must not "leak." Release of such information (unclassified) is the prerogative of the Committees.

COPY REQUIREMENTS

Cleared statements and supplements must be submitted to OLA or the Comptroller in the quantities shown below for delivery to the respective Committee.

| Phase | Classified | | | Unclassified | | |
|----------------|------------|----|-----|--------------|----|-----|
| | I | II | III | I | II | III |
| Senate | | | | | | |
| Full Committee | 5 | 50 | 0 | 5 | 50 | 100 |
| Sub-Committee | 5 | 25 | 0 | 5 | 25 | 100 |
| House | | | | | | |
| Full Committee | 5 | 80 | 0 | 5 | 80 | 100 |
| Sub-Committee | 5 | 30 | 0 | 5 | 30 | 50 |

Phase I: Submit to OLA or Comptroller 13 days prior to hearing for submission to OSD Security and Policy Review.

Phase II: Submit 6 days in advance for submission to Committee.

Phase III: Submit at least 24 hours prior to hearing for public release.

Add 100 copies of Unclassified and submit directly to CHINFO or Marine Corps Division of Information for distribution to Pentagon Press Corps. OLA or Comptroller will advise if there are any changes to these requirements.

A late compliance with the timing requirements is a poor way to start a hearing.

VI

PREPARATION

It is not always possible to anticipate every question which will be asked by the individual members of a Congressional Committee. Most questions will relate directly to the justification books, but this is not always so. However, the witness who prepares adequately is effective and convincing with simple statements of facts and figures. Clear, concise, and specific answers to the questions of the Committee are usually far more effective than elaborate descriptions. The following suggestion on background material which should be studied and organized for hearings apply to hearings in general.

The Committees work from the President's Budget Message and justification books. Departmental position is established in the "posture statements." Be familiar with the content of these documents.

The figures shown in the written justification are the accepted, official Department of the Navy budget figures. Thorough familiarity with the justification books as presented to the Congress is essential. Be sure a figure can be reconciled before it is quoted.

Review the record of last year's hearings in order to explain deviations from plans outlined at that time and to be able to give the current status of items of continuing interest.

Similarly, be prepared to answer questions on the Department of the Navy plans for the current fiscal year as they apply to the appropriation, program, or special subject under review. Also review the Committee reports on last year's requests and be ready to speak on any comments which might be of significance to the programs and estimates under review in the forthcoming hearing.

Study the testimony of hearings held in the House prior to appearing before the Senate (and vice versa), and be prepared to answer questions on any new issues raised. Be familiar with any data previously given to Defense Committees which is pertinent to the forthcoming hearing.

Much preliminary and post-hearing work is done by the professional staff of the Committee. Data provided to these staff personnel should be carefully reviewed for consistency with the budget and Department of the Navy policy. The data provided are clues as to what will be coming up at the hearings. Witnesses should have knowledge of the information provided and should be prepared to discuss the matter in depth at the hearing.

Be prepared to answer questions as a result of any articles which have recently appeared in the press or other periodicals concerning the area of interest in the forthcoming hearing. Congressmen are usually keenly aware of such articles. Also, review the Department of the Navy position on matters of critical interest.

Preparation on minor items is as important as on major items. Witnesses more often find themselves in trouble with little programs than with big ones because of a natural tendency to treat the little ones lightly.

Know supporting witnesses in order to call upon the appropriate supporting witness to furnish details, when required. A rehearsal is the best means of determining whether there is sufficient preparation. Rehearsal sessions should be held sufficiently in advance of the hearing to afford adequate time for revision of testimony and for resolution of policy differences. As a further aid to the witness, it is suggested that personnel attending the rehearsal question the witness after he has presented his statement, along the line of questioning that is anticipated from the members of the Committee. Witnesses are encouraged to request the services of OLA and Comptroller personnel to assist in rehearsals.

It is a good idea to prepare all of the background material required for the hearings in conveniently tabbed reference books, or other systematic arrangement, in order not to delay the Committee's proceedings by having to search through folders or papers in brief cases.

Witnesses should not bring bulky, unessential, supporting material or unnecessary people to the hearing. It does not look good to have a large number of backup witnesses in the hearing room, each with bulging brief cases. In a hearing

where a number of teams is required, it is best to organize the teams so that only the next team to appear is sitting in the hearing room. When one team is finished, it should leave the hearing room promptly and the next standby team quietly enter the room.

HANDOUTS AND GRAPHICS

It is not wise to have a lot of expensive-looking handouts, particularly pamphlets which could be called propaganda. Avoid criticisms of propaganda and waste of Government funds by keeping supporting visual aid presentations within reasonable bounds. When graphic material is required, it should be prepared on the principle that simplicity is the best rule. A moderate use of photographs, viewgraphs, slides, movies, models, charts, graphs, or maps can be very helpful in explaining programs and relieving the natural fatigue of listening to days and weeks of oral testimony. It is important to ensure, however, that when such material is used, it is kept simple and can be read by each member of the Committee at the distances involved. OLA or the Comptroller will assist the witness to make a pre-hearing reconnaissance of the Committee room to determine the best location for charts, the locations of outlets, and other details that should be taken care of before the hearing. When graphic material is to be handed out to Committee members, there should be enough copies to provide one to each Committee

and staff member. Graphic presentations involving numerous detailed statistics should be prepared as enclosures to the statements rather than as visual aids and the Committee staff should be made aware that graphics are to be used as a part of the testimony. Training aids are not available in Congressional hearing rooms. Therefore, witnesses will be responsible for arranging for their required projectors, screens, viewgraphs, etc., with OLA or the Comptroller.

Congressional Committees operate under security procedures similar to those of Military Departments. Because of the nature of their duties, members of Congress are entitled to receive classified information on an official need-to-know basis. DOD Directive 5400.4 series outlines the policies and procedures for the furnishing of information to the Congress. In accordance with Article 0914 of the Navy Security Manual for Classified Information, classified information may be disclosed to Committees of Congress only when authorized by the Secretary of the Navy. However, in Article 0914 the Secretary of the Navy has delegated authority to the Chief of Naval Operations, the Commandant, Marine Corps, and to the Chiefs of Bureaus to act for him in authorizing the disclosure of classified information in connection with presentation of the budget and other legislation sponsored by the Department of the Navy. SECNAV INST 5500.9 series states the procedure for obtaining security clearance of testimony to be given before Committees of Congress.

In the course of hearings, especially those arising in the course of investigations, witnesses may be asked for official information which requires protection in the public interest although it is not security information. DOD Directive 5400.4 series covers this situation.

VII

GUIDELINES FOR WITNESSES

Congressional Committee hearings are held either in open or closed (executive) sessions. The general public and the press are permitted to attend open sessions, and testimony therein constitutes a public statement. Closed (executive) sessions are those hearings at which the general public, including the press, is excluded, and before which classified testimony as well as unclassified testimony may be given.

Each witness at a closed hearing shares the Navy's responsibility to the Committee not to disclose or discuss with anyone (except as may be required by official duties within the Department) any information, written or verbal, regarding the testimony given at the hearings, or regarding any indication Committee Members may have given as to their individual attitudes, or as to possible actions which the Committee may take on matters pending before it.

Officers present in a hearing room in an official capacity are required to wear the uniform of the day as a matter of custom. Civilians present in any capacity should be in proper civilian dress.

Senators should be addressed as "Senator . . ." Representatives should be addressed as "Mr . . ." or if the name is not known as "Mr. Congressman" or simply as "Sir." The

witness should not attempt to address a Member by name unless he is sure of the name. The name plates in front of Members' seats are misleading because members do not always sit in the seats assigned to them. The Chairman of the Committee normally should be addressed as "Mr. Chairman."

Frequently at the hearings the Chairman permits the professional staff to ask questions, and these questions should be treated as if coming from a Member of the Committee.

The principal witness, when first addressing the Committee, should clearly identify himself by name, grade, and position. It is customary for the witness then to inform the Committee that he has a prepared statement which can either be read or offered for insertion in the record of the hearing. Normally, the Chairman will advise the witness that he may proceed with his statement. (However, the witness should not be caught off guard should the Chairman begin with a few preliminary questions at this point.) The Chairman may request that the statement be submitted for inclusion in the record and the witness merely give an oral summary thereof. The witness should be prepared to do this. In all instances when testifying, the witness must speak in clear and distinct tones so that all Members of the Committee and the Committee reporter can hear. A statement should be read in a calm and deliberate manner so as to give each Committee Member a full opportunity to follow and digest the statement as the witness proceeds. He should avoid reading

in a monotonous tone, but should read with expression and appropriate emphasis.

On concluding his prepared statement the witness should advise the Committee that he will answer questions posed.

A supporting witness about to testify for the first time should announce his name and official position. If he is not seated at the witness table, he should stand when testifying.

Witnesses should cooperate with Committee reporters to insure an accurate transcript of testimony. The only time a witness should speak for the record is when he has the floor. Only one witness should talk at a time because the reporter can record only one voice at a time. Witnesses should not talk too fast and they should speak audibly. The principal witness should sit near the reporter.

All questions asked by Committee Members should be answered directly and to the point. Witnesses should give their "yes" or "no" answer first, then their qualifying remarks, if any. Answers should be brief, but the witness should be prepared to enlarge upon them if requested by the Committee. The witness should not be a "reluctant" witness. Committee Members want the information that will assist them in evaluating the program under discussion and usually welcome a brief explanation in support of a "yes" or "no" answer. However, the witness should not use this as an opportunity to make a "speech." In the course of explaining the answer to one question, the witness

should not introduce a new problem, nor should he volunteer his own opinion.

Witnesses should refrain from using ship designations and other abbreviations known generally only to the Department of Defense. The use of technical or "shop" terms that are not matters of common knowledge should also be avoided.

Criticism or implied criticism of actions of OSD or OMB is to be avoided. Matters on which the witness may have strong opinions, in particular, must be treated factually with well-considered words to avoid misinterpretation by the Committee. OMB, in Circular A-10 (Rev.) dated January 18, 1964, issued the following guidance. Personal opinions will not be volunteered which reflect positions inconsistent with the program and appropriation requests the President has transmitted to the Congress. In expressing personal opinions relating to such program and appropriation requests in response to specific requests therefor, witnesses will refer to the extent, if any, to which these opinions differ from the President's recommendations, and should make clear that the expression of the opinion is not a request for additional funds. Witnesses typically bear responsibility for the conduct of one or few programs, whereas the President must weigh all of the needs of the Federal Government against each other and against the revenues available to meet such needs; where appropriate, witnesses should call attention to this difference in scope of responsibility.

Occasionally, a question answered earlier may be repeated, or a question may be asked which appears to be well answered in the justification book. In any case, answer the question as it is asked; do not look for hidden meanings. Not all members are present at all times, nor should it be assumed that all the members have had the opportunity to examine the justification books in detail. Do not interrupt questions in order to respond quickly or to correct an erroneous concept.

Frequently questions are posed to the witness regarding changes in a program that may have occurred since the budget was submitted or changes that may be anticipated to occur. Since the testimony of the witness is in support of the programs presented in the budget, witnesses should refrain in their responses from speculation as to program slippages. Acknowledgement of program changes that are a matter of public record should be accompanied by a brief explanation which relates the change in planning to the estimates supporting the program requirements that are reflected in the President's Budget.

When asked a lengthy question consisting of several parts, the witness should note the points covered in the question. In his reply, the witness should isolate each specific portion of the question and answer it indicating which portion is being answered. The witness should not be afraid to take the time to think out the answers to specific questions. Frequently, witnesses get themselves into difficulty because they think

immediate, rapid-fire answers must be given to every question asked. Once a question has been satisfactorily answered a witness should avoid expanding the answer. This often leads to tangential areas and can cause trouble. Keep the answers short.

Although hostile, critical, or irritating questions are extremely rare, in such cases the witness should be slow to answer and never permit any irascibility or annoyance in the substance and manner of his reply.

Frequently, Members of the Committee already know the answers to the questions they ask and are only interrogating in order to insure a complete record for the benefit of their colleagues.

If the witness does not know the answer to a question, and the answer cannot be furnished by another witness present or from reference material readily at hand, the witness should inform the Committee that he cannot answer the question but that he will obtain the information and forward it to the Committee or furnish it for the record. The witness should realize, however, that he cannot continually go up before Congress and say "I don't know" and appear knowledgeable. Hence he should be well prepared. In no event should the witness attempt to guess at the answer, or to "bluff his way through."

Classified information is not to be given by any witness in an open session of a Committee. When a question is asked in

open session which necessitates an answer of a classified nature, the witness should advise the Committee that he cannot answer the question because of security reasons but that he will answer in closed (executive) session if the Committee so desires. While a witness need not hesitate to ask the privilege of an "off-the record" statement, in executive sessions, he should be careful not to make the request more often than necessary. On rare occasions a witness may be asked a question on matters entitled to protection, such as personnel records and privileged communications between officials of the military departments. In such an event, the witness can only state that he is not at liberty to disclose the information without ascertaining whether or not it is the policy of the Department of the Navy to release it.

Questions about the amount of appropriations originally requested and the amount shown in the President's Budget should be anticipated. While witnesses should be in a position to provide the Committees with all relevant facts, they should not on their own initiative propose departures from the recommendations of the President's Budget. It is important to remember that once the budget has been presented to Congress by the President, it becomes the President's Budget and should be supported.

Additionally, witnesses should be reminded of OMB imposed restrictions on disclosure of budget estimates (Ref.: OMB Circular A-10 (Rev.) dated January 18, 1964):

Restrictions on disclosure of agency estimates. All budget estimates and supporting materials submitted to OMB are privileged communications. Their confidential nature must be maintained, since they are the basic data and worksheets in the process by which the President resolves budget problems and arrives at conclusions with respect to his recommendations to the Congress. The head of each agency is responsible for preventing disclosure of information contained in such estimates and materials except on request in formal appropriation hearings and when requested by members of the Congress in connection with their consideration of the budget after its transmittal.

Restrictions on premature disclosure of Presidential recommendations. The decisions of the President as to his budget recommendations and estimates are administratively confidential until made public by the President. The head of each agency is responsible for preventing premature disclosure of information as to such recommendations and estimates. This rule does not apply, however, to the presentation of data on the President's budget to the Appropriations Committees, pursuant to arrangements made in specific instances by OMB, in connection with any formal hearings on the budget which may be held prior to the actual transmittal of the recommendations of the President.

References to supplemental appropriation requirements. These restrictions on disclosures of agency estimates and Presidential recommendations apply to supplemental as well as to annual estimates. However, if a supplemental request is being considered but has not yet been recommended by the President, a witness may appropriately mention the fact, but should not state the amount which he thinks is needed, unless this information is explicitly requested.

Additional guidelines for witnesses are organized in the
"Congressional Advice" chapter of this handbook.

VIII

POST-HEARING PHASE

By an arrangement of long standing, the Congressional Committees extend the courtesy of reviewing the stenographic transcripts of the testimony given at the hearing. Inasmuch as this opportunity for reviewing the transcript is strictly a Congressional courtesy and is in no sense a right of the agency, reviewing officials should exercise great care in its editing. The following points should always be observed:

1. When using previously published material such as pages from justification books, it should be recognized that security has to review everything on the page. Therefore, do not line out "not applicable" material but cover such sections with paper prior to reproduction in order to completely delete unnecessary or irrelevant material.

2. Type statements, testimony and answers to questions just as you would have them printed. Do not use all capital letters, or uncommon abbreviations or acronyms if they can be avoided. If it is necessary to use a shortened form of a title, include the full name followed by the abbreviation the first time it appears in the text.

3. Since several days can elapse between Congressional hearings and the time questions are answered, insure that answers do not reflect actions subsequent to the actual date of the hearing. The "as of date" is the date of the hearing.

4. Particular care should be exercised to ensure that replies are responsive to the Committees and meet established deadlines. If replies cannot be furnished by the prescribed deadline, notify OLA or the Comptroller of the reason for the delay and the date on which the material will be available.

5. When answering direct questions, start the answer with the general rank and name of the author followed by a period, then continue on the same line with the text of the reply (Rear Admirals, Vice Admirals, and Lieutenant Colonels are referred to as "Admiral" or "Colonel," respectively); e.g., "Admiral Cooke. The justification for this request is . . .

6. Do not credit answers to someone who was not present for the hearings and therefore not on the list of witnesses in the record.

7. Insure that all witnesses who appeared at any session of the hearings are listed on the witness list.

8. If answering a question "for the record," omit the name of the author and single space the answer.

9. In statements or answers, avoid referring to a particular page since page numbers change radically during the assembly and typesetting of hearing books. In this same context, do not refer to a previous insert as an answer to a question, provide a separate answer.

10. Insure all tables of data have a subject identification line and also indicate the units used in the table (i.e., dollars,

thousands of dollars, percent, etc.). Tables and lists of data should be single spaced.

11. Answers to questions should be provided on separate pages, one question/answer per page(s).

12. Government printing office typesetters work from a copy of material furnished Congress; therefore, insure that all copies of transcripts, inserts, etc. provided are legible.

13. Graphics: In addition to the prints of slides, etc., included in any transcript, one complete set of printers quality prints is to be attached to the original transcript.

14. Adhere to the specific procedures for processing transcripts of testimony and inserts that are prescribed and promulgated by the Committee or Sub-Committee that held the hearing. Consult with OLA or the Comptroller for these specifics.

15. The Office of Legislative Affairs will submit transcripts of testimony given in closed session to the Directorate for Security Review in accordance with SECNAV INST 5730.12 series, and the Comptroller will do so when the testimony is given before an Appropriation Committee.

PROBLEM AREAS

Over the years, certain areas in processing transcripts and inserts for the record have been inconsistently troublesome. The following are the most common:

1. Critical suspense times are not met.

2. Penciled revisions to the transcript are not neat and instead of being printed, sometimes are illegible and handwritten. Care must be taken to make comments, clear, concise, and legible.

3. New thoughts are introduced or the entire context is changed, instead of merely providing words, phrases, and sentences to make responses clear. New thoughts should not be introduced.

4. Reviewers or authors of an insert over-classify. Particular care should be taken to delete only the classified portions of the sentence or paragraph. Do not bracket entire paragraphs or pages unless unavoidable.

5. Errors and inaccuracies appear when reviewers sanitize outside their areas of competence. Remember, each transcript is widely circulated for complete security review.

6. Reviewers are not consistent. A common failing among reviewers is to sanitize well when the testimony centers around their area of competence, but miss identical references later in the testimony because they are buried within an unrelated subject area. Reviewers must review carefully the entire transcript to avoid inadvertent security violations and to maintain consistency.

7. The specific question in the insert for the record is not answered; the answer contains jargon which is meaningless to the Congress; not enough information is supplied; or information beyond the scope of the question is volunteered.

8. Complete coordination is not obtained.
9. Insufficient copies of the completed insert are provided.
10. Administrative details (action officer information, security stamp, downgrading stamp, brackets, etc.) are overlooked by the author.

IX

THE BUDGET

The enactment of the Congressional Budget Act of 1974 brought sweeping new budget procedures into effect and everyone involved in the Navy budget process should be aware of their implications. The purpose of this chapter is to expand on earlier explanations of the legislative process, to acquaint prospective witnesses with the key points of the Budget Act, and provide a stimulus for further study and consideration of how to relate the procedural changes of this legislation to the witnesses operational area.

The Budget Act introduced the following changes:

1. Creation of a new Congressional Budget Office and new Budget Committees in both chambers of Congress.
2. Establishment of an October-September Fiscal Year.
3. Submission of an annual level-of-effort "current services" budget to precede the President's Budget.
4. Adoption of authorization legislation prior to the beginning of the fiscal year.
5. Consideration by Congress of the overall national budget request rather than isolated review of individual appropriations.
6. Requirement for five-year cost projections of each budget request instead of stand-alone one-year submissions.

7. Development of standardized, computer-based financial information systems.

The new law established new Budget Committees in both Houses of Congress with a new Congressional Budget Office to assist them and other Congressional committees in supervising the Federal Budget. The Navy responds to these new organizations' requests in addition to the traditional Armed Service and Appropriations Committee requirements. Budget workload increased as a result of an increased number of budget hearings, more information requests and, in general, "more masters to serve."

THE CONGRESSIONAL TIMETABLE

While the budget timetable for Congress was significantly changed by the reform legislation, the schedule of budget actions for the Navy did not shift in time as much as it compressed milestones and included more events. It requires submissions of a current services budget by 10 November, the submission of the President's Budget by 15 January, providing support to Legislative Committees to prepare their Budget Committee Reports by 15 March, and supporting the Congressional Budget Office in preparation of its report to the Budget Committees, which will have highest priority in order for them to report the first concurrent resolution on the budget to the House and Senate by 15 April. The remainder of the new fiscal year

(May-September) will be spent guiding the budget through the two required concurrent resolutions to enactment of final budget authority.

| On or before: | Actions to be completed: |
|--------------------------------|---|
| November 10----- | President submits current services budget. |
| 15 days after Congress meets-- | President submits his budget. |
| March 15----- | Committees and joint committees submit reports to Budget Committees. |
| April 1----- | Congressional Budget Office submits report to Budget Committees. |
| April 15----- | Budget Committees report first concurrent resolution on the budget to their Houses. |
| May 15----- | Committees report bills and resolutions authorizing new budget authority. |
| May 15----- | Congress completes action on first concurrent resolution on the budget. |
| 7th day after Labor Day----- | Congress completes action on bills and resolutions providing new budget authority and new spending authority. |
| September 15----- | Congress completes action on second required concurrent resolution on the budget. |

| | |
|-------------------|--|
| On or before: | Actions to be completed: |
| September 25----- | Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution. |
| October 1----- | Fiscal year begins. |

September is a very hectic month for all involved with the Navy budget. The Congress will act three times on the Budget Year (BY) budget by approving new budget and spending authority (7th day after Labor Day), finalizing the second required concurrent resolution on the budget (15 September) and implementing the second concurrent resolution (25 September). During this period, the Navy will support the Congress, prepare both the current services budget and President's Budget submission estimates for BY +1, update the FYDP and conduct Budget Review Committee hearings prior to the OSD/OMB review.

"CURRENT SERVICES" BUDGET

All Federal agencies are required to prepare a "current services" budget for submission by 10 November. It estimates the outlays and budget authority needed for the next fiscal year if all activities are to be continued at the same level and under the same policies as the fiscal year in progress. The intent is to help Congress start their analysis before the

President's Budget submission. The current services budget amounts to a separate exercise for Navy budgeteers and serves as a baseline for comparison with the President's budget. Accordingly, the development of the two submissions must be carefully coordinated.

JUSTIFICATION

The Budget Committees relate all Federal appropriations bills to each other and to overall budget targets. The Navy budget, in essence, competes with other Federal agencies requests for constrained funds and the strongest justifications determine the distribution. To preclude unwanted cutbacks in high priority Navy programs, budgeteers should insure that justifications are strong enough to compete for funds with other requests and withstand hard challenges from the Budget Committees.

THE OUT-YEARS

Each budget request contains, in addition to the Budget Year, estimates of costs which would be incurred in each of the next four successive fiscal years. The Congressional Budget Office is tasked to perform a five-year cost analysis on every such bill or resolution reported by any committee except the appropriations committees. The GAO is authorized to establish an Office of Program Review and Evaluation to assist Congress with these analyses. The compatibility of the Budget, Five

Year Defense Plan (FYDP), and Program Objective Memorandum (POM) prepared by the Navy takes on great importance as a result. (See Figure 1.)

THE STAGES OF THE BUDGET PROCESS

There are four stages of the budget process:

1. November 10-April 15. Information gathering, analysis, preparation and submission of Congressional Budget by CBO and Budget Committees.
2. April 15-May 15. Debate and adoption of Congressional Budget by both Houses; establishment of national spending priorities.
3. May 15-Early September. Enactment of spending bills.
4. September 15-September 25. Reassessment of spending, revenue, and debt requirements in Second Budget Resolution; enactment of Reconciliation Bill.

PLANNING, PROGRAMMING, BUDGETING CYCLE

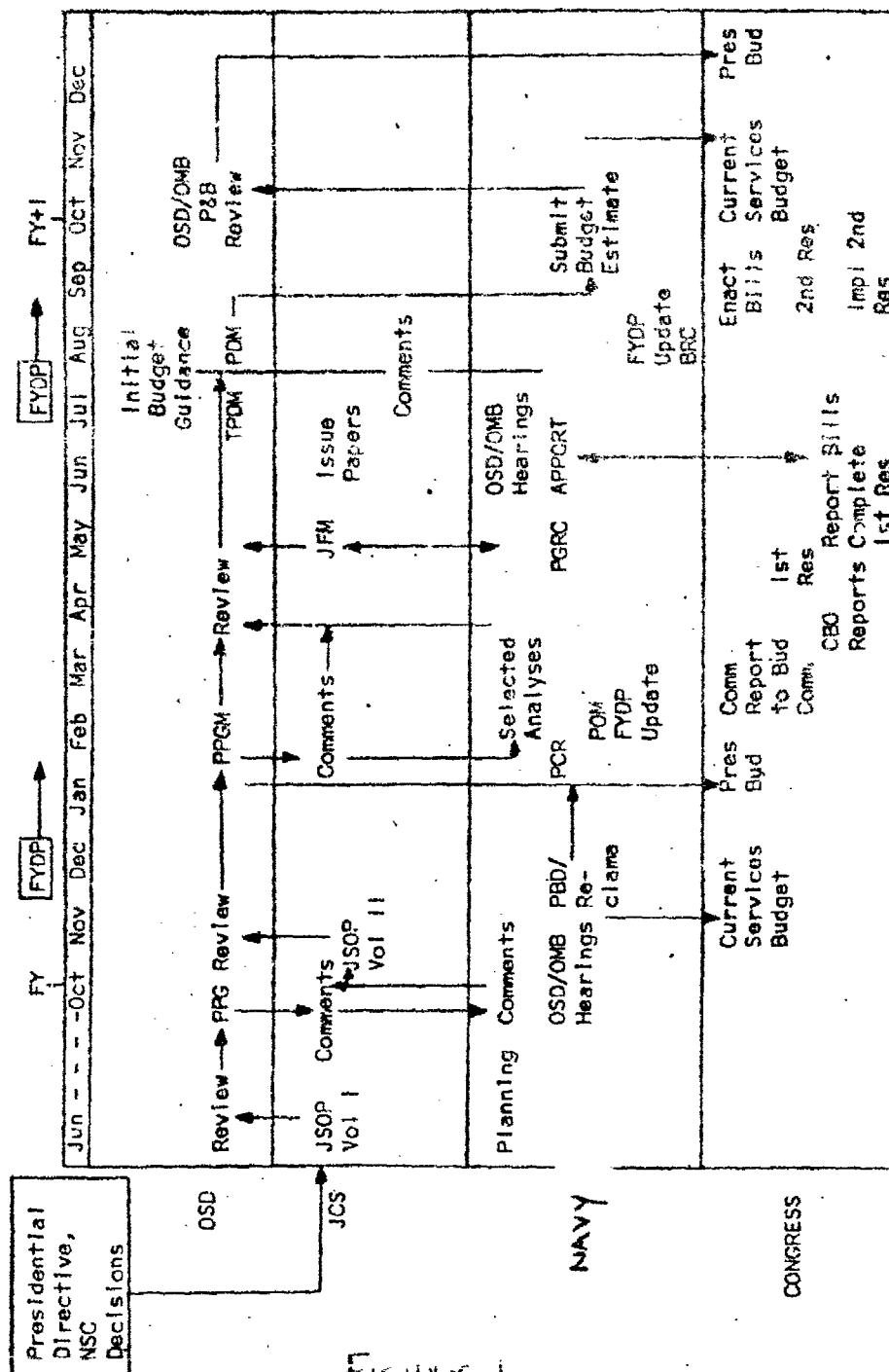


Figure 1

CONGRESS AND THE BUDGET: THE LEGISLATIVE PROCESS

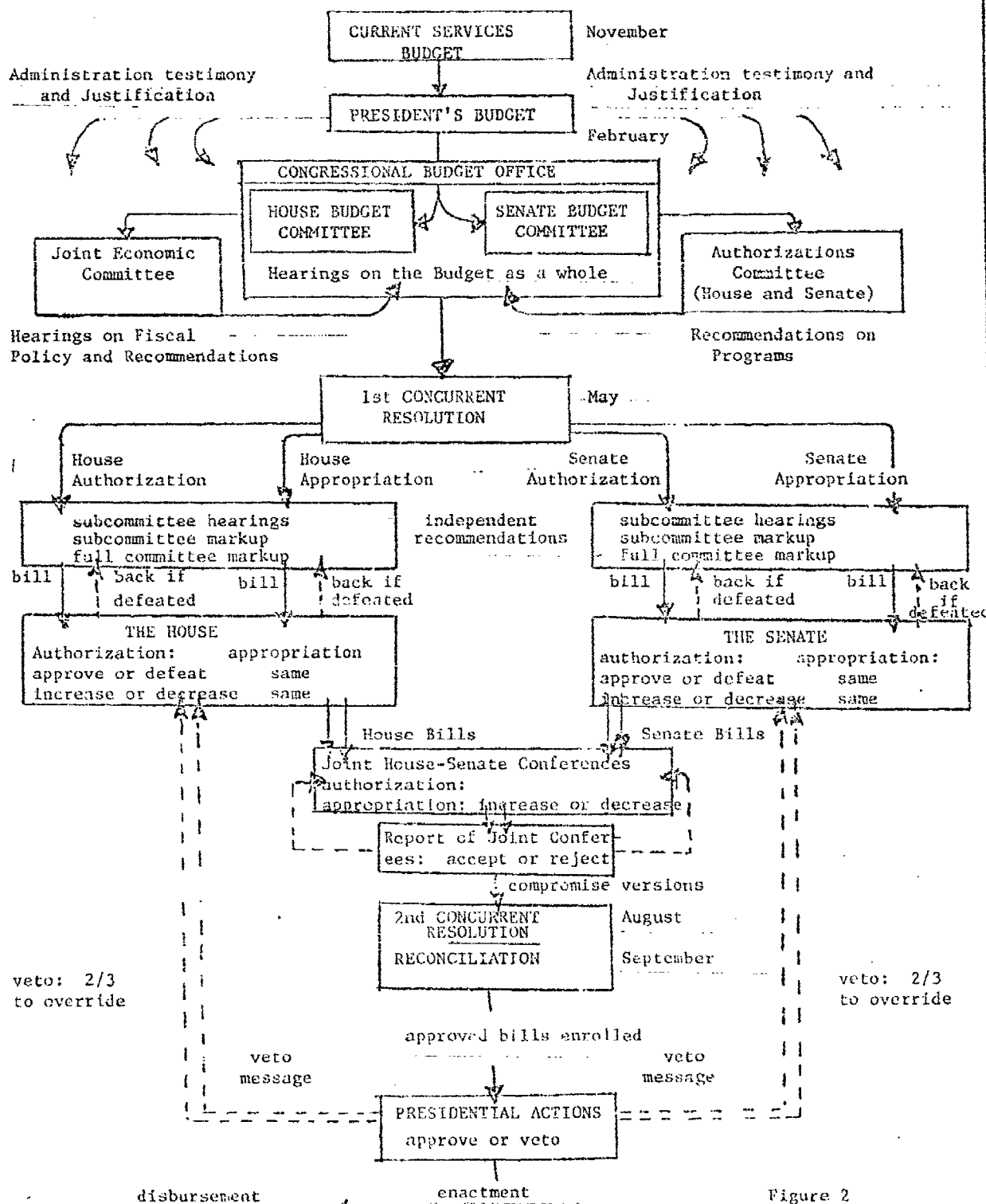


Figure 2

CONGRESSIONAL ADVICE

More than thirty interviews with Members of Congress and the professional staff personnel who regularly seek and hear military briefings and testimony were the source of the following advice to military witnesses.

WITNESS SELECTION

1. "Some witnesses are better than others because they are just better communicants. They are better able to prepare and project."
2. "Best witnesses are friendly, composed, intelligent, courteous responders."
3. "Don't send a witness based on rank rather than knowledge of the subject."
4. "Witnesses must have knowledge to have strength and confidence."
5. "A big backup can work against you giving the impression you haven't done your homework."
6. "Don't bring too many backup people to the hearing with you. Assimilate as much backup information in one man as you can."

PREPARATION

1. "There is no substitute for preparation."

2. "A witness must know his subject inside and out. He should also read transcripts of old hearings pertaining to his subject to ascertain lines of questions."

3. "It is apparent which witnesses have studied the previous year's testimony . . ."

4. "Know your Committee, investigate the Members and their positions."

5. "Extensive preparation is essential--don't underestimate the Committee. Knowledge of the subject does not necessarily mean you have sufficient data, witnesses must prepare in detail."

6. "I can always tell when a witness didn't start his preparation soon enough."

7. "Unprepared witnesses embarrass the Committee and their Service."

8. "We study and do our homework; we assume the witness has done his."

9. "Witnesses must . . . keep their presentations and testimony simple and avoid the use of acronyms."

10. "It never hurts to throw a little humor into your opening remarks."

11. "Avoid written script or be able to depart from it."

12. "The good witness is one who conveys confidence and who has knowledge and knows his homework."

13. "Know your subject and be candid."

14. "Don't become too convinced of the justice of your position without serious questioning. Be prepared to have some reservations."

15. "The Committee has perspective but the witness has expertise in a given item of interest (ship, plane, tank). The Committee deals with alternatives."

16. "Avoid compartmentalization in your area of concern, think in broad terms of alternatives with which the Congress is concerned."

17. "Some witnesses seem to have the feeling that they should tell the committee and staff as little as they have to."

18. "Members get an intuitive feeling for a witness."

19. "Distortion tends to expose and compound itself."

20. "If you don't tell your story, it's your fault."

21. "Rehearse questions."

BRIEFINGS AND STAFF RELATIONSHIPS

1. "Pentagon people seem to be biased against the staffs and do not appreciate fully the important role staffers play."

2. "Prehearing coordination with Committee staff is essential and can save much time and heart burn."

3. "Pre-hearing activity must be handled properly not to give the impression of lobbying."

STATEMENTS

1. "The really good presentation carefully orchestrates the verbal statement with visual highlights and the copy of the printed statement before the committee members."
2. "Tell your story with simple straight-forward language."
3. "Be careful of technical or military language which presumes some knowledge on the part of the Member. It can be very annoying and you may lose your audience."
4. "No flag waving and B-S."
5. "Use brevity but be adequate to make the point."
6. "Be direct, point out weaknesses as well as strengths so the Committee won't feel they are being snowed."
7. "Submit material for the record and use hearing time for the essential."
8. "A poor formal presentation makes follow-on questioning difficult."

QUESTION AND ANSWER

1. "Sincerity, candor, and short answers impress me."
2. "Brevity is a very desirable attribute."
3. "Answer direct questions with a minimum of words and they will be quickest believed. Don't go beyond the question."
4. "Committee normally never asks questions unless they know what the answer is going to be."

5. "Most Members have done their homework well and in many cases know the answer to questions they ask. The questions are asked to get them in the record."

6. "Sometimes determining the character of the witness is the only purpose of the question."

7. "Poor witnesses are those who answer too fast with not enough thought and try to feel their way through . . ."

8. "Faking an answer is the quickest way to destroy yourself."

9. "The witness who is too positive and too sure of himself will always get into trouble."

10. "Members do not want to embarrass witnesses but if a witness is evasive or misleading, embarrassment usually results."

11. "Witnesses are the enemy on the battlefield--the hearings are adversary proceedings. . . ."

12. "Members have a terrible psychological advantage over the man in the snake pit (witness chair). If an adversary situation develops, it is pros against amateurs."

13. "Don't lost your temper and don't argue."

14. "Lashing back is not recommended; however, if the witness is clearly being abused or mistreated, the sympathy of the Committee is probably with him and he should speak up."

15. "Witnesses I respect are ones who do not always agree with me but defend their position well and do it politely."

16. "Nuances in your response make a big mark which most experienced Members can read."

17. "Be careful not to be overbearing. Answer the question, don't evade. Evasion is lying because it suppresses the truth."

18. "Don't volunteer too much information, it takes the interrogative initiative away from the Committee."

19. "A digressing witness clouds the issue."

20. "A witness should not be tied to his script. He must be able to range the entire subject, otherwise he may lose composure and it is very difficult to regain."

21. "I don't know' is a good answer."

22. "Saying 'I don't know' is not a reflection of inadequacy or stupidity."

23. "The weight of his office will not carry him; he shouldn't hesitate to say 'I don't know'."

24. I like to see backup (witnesses) get used."

25. "The witness should be patient with the line of questioning, it may turn out to be support for him."

26. "Sometimes the interrogator will try to strengthen your point."

27. "Beware of excessive flattery of one Member, it may offend other Members with opposing views."

28. "Address Members by name."

PERSONAL OPINION

1. "If your personal opinion differs from the party line, the Committee usually knows or can tell by your actions and testimony."

2. "Be prepared to say how your personal view differs from what you have said."

3. "Career interests inhibit witnesses and generate no opinion type answers. He must have the courage of his convictions and where necessary state cautions which relate to a special appreciation of the situation."

ATTITUDE AND PRESENCE

1. "Don't impose as an authority unless you are one. If your experience is limited, so indicate and it will add vitality."

2. "A biased witness tends to withhold facts."

3. "Don't be pretentious in manner or phraseology. Talk in terms that are comfortable. If a prepared statement is read and subsequent questions make it obvious that it was not written by the witness, credibility suffers."

4. "DOD often assumes that Members can be snowed."

5. "Don't talk down to the Committee because they aren't military; they normally have thorough knowledge of the subject based on many years of experience."

6. "Speaking down to a Member will increase the credibility gap quicker than anything."

7. "If you want to turn off the Committee, get testy, react like you were personally attacked, be arrogant, or put down the interrogator."

8. "It is equally bad to exhibit so much humility that it appears obsequious."

9. "The two extremes of nonpersuasiveness are a cocky, superior, condescending attitude on one hand and an obsequious yes-man on the other."

10. "Don't regard certain Members as friends and others as enemies. You will have a better perspective and have less emotional involvement which will yield better behavior."

11. "Sincerity is most important. Shifty eyes and other personal mannerisms tend to discredit a witness."

12. "Maintain a friendly atmosphere."

13. "Be careful about trying to be funny; it is important but shouldn't be the style."

TRUTH AND CANDOR

1. ". . . The fellow who hides a fact--I never want to see him again."

2. "Candor is the response."

3. ". . . must testify with candor."

4. "A witness is effective in direct proportion to his candor or forthrightness; he is less than forthright when he hedges on personal opinion whatever the cause."

5. "Honesty is a great factor in testimony. I recall a witness who greeted a Committee (hostile over what they thought was waste) with the statement, 'Didn't we louse this one up.' He had the Committee in his pocket and they were ready to help."

6. "Confidence (with the committee) is established quickly when the witness appears fair, frank, and objective."

7. "The most important attributes of witnesses and legislation liaison officers are honesty, trust-worthiness, and accommodation."

8. "The failure to reveal upcoming problems is very distressing."

9. "Don't be afraid to disclose things against your interest."

10. "Truth is not enough, it must be convincing."

11. "Frank and open answers are essential. Admissions of deficiencies lend truth to testimony and tend to convince the Committee that the witness is not following an established line."

12. "A lack of frankness generates hostility in the Member."

13. "Don't marry your program or weapons system, you will lose objectivity and cloud the issue. Challenge your own position."

14. "The greatest single destroyer of credibility is an unwillingness to use the words 'I don't know.' I frown on a witness who tries to explain something he doesn't know."

15. "Credibility is number one in importance for a witness and we want frankness . . . we ask 'is he leveling?' . . . credibility goes when he appears evasive."

16. "You can't con a Member, he is an expert at it and can detect it very quickly."

17. "Sometimes testimony . . . lacks credibility because they (the military witnesses) offer the truth but not the whole truth."

18. "Trickery is suicide."

19. "We can spot duplicity in a minute--it's a sort of sixth sense."

20. "When a witness finds out later that something he told us is false or has changed, he has to get the truth back up here."

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